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Date 6/20/03 Label No. EV349695213-US

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

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PATENT TRADEMARK OFFICE

Docket No. 1946/1E549-US5

17613 U.S. PTO

10/600413



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Andrea Leone-Bay et al.

For: **COMPOUNDS AND COMPOSITIONS FOR DELIVERING ACTIVE AGENTS**

CONTINUING APPLICATION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing under 37 C.F.R. 1.53(b) of a Continuation application of the following pending prior application:

Serial No. 09/744,862

Filed: April 19, 2001

Of: Andrea Leone-Bay et al.

For: **COMPOUNDS AND COMPOSITIONS FOR DELIVERING ACTIVE AGENTS**

Examiner: P.J. Killos

Group: 1625

1. Enclosed is a copy of the prior application as originally filed (along with a copy of the original Declaration). No amendments identified in the

declaration for this prior application introduced new matter. Please use this copy as the application and declaration for the present case.

2. Formal Drawings (Figures 1 and 2, 2 sheets).
3. The filing fee is calculated below:

CLAIMS AS FILED, AFTER ACCOMPANYING AMENDMENT

| | Claims on File | Number Extra | Rate |
|--|-------------------|-----------------|----------|
| Basic Fee | | | \$750.00 |
| Total Claims | 27 - 20 = | 7 x \$18 | \$126.00 |
| Independent Claims | 2 - 3 = | 0 x \$84 | \$0.00 |
| If Multiple Dependent Claims Are Present, Add \$280.00 | | | \$0.00 |
| Total Filing Fee | | | \$876.00 |

4. A check in the amount of \$876 is enclosed.
5. Amend the specification as follows. On page 1, after the title, add the following paragraph (check one and fill in):

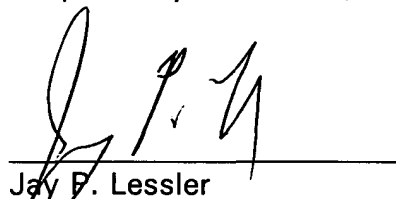
This is a continuation, of application Serial No. 09/744,862 filed April 19, 2001 which is a national phase of PCT Application No. PCT/US99/17090, filed July 27, 1999, which was published in English as International Publication No. WO00/06534 and claims the benefit of U.S. Provisional Application No. 60/094,267 filed July 27, 1998 and U.S. Provisional Application No. 60/104,466, filed October 16, 1998. Each of these prior applications is hereby incorporated herein by reference, in its entirety.

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6. The prior application is assigned to: Emisphere Technologies Inc.
7. The Assignment was recorded at Reel 011754 Frame 0487 on April 19, 2001.
8. An Information disclosure Statement is enclosed.

Date: June 20, 2003

Respectfully submitted,



Jay P. Lessler
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Attorney of Record in Prior
Application

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